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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,523	01/23/2004	Byung-rae Lee	Q79369	5359

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EXAMINER	
WILLIAMS, KENT L	

ART UNIT	PAPER NUMBER
2139	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/762,523	LEE ET AL.	
	Examiner	Art Unit	
	Kent L. Williams	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9 July 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: "PDS" should be "PDA" found within paragraph 21. The end of the last sentence within paragraph 43 is grammatically awkward.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 3, 8, 17, 19 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawaguchi et al. (U.S. Patent Application Publication No. 2003/0103528 A1).

Claims 1, 8, 17, 24. A system for managing multimedia contents in an intranet, comprising:

a server operable to convert multimedia contents received through the Internet into multimedia contents having a format suitable for at least one client of the intranet and

transmitting the converted multimedia contents to the client [See ¶0022 for a summary. See ¶0060-0064 for details regarding content conversion at a gateway positioned between the DRM server(s) and the content consumer device. See also Figures 14 and 28. There are approximately 12 embodiments with varying components rearranged in the system, all of which present the same functionality.].

Claims 3, 19. The multimedia content management system according to claim 1, wherein the server translates a license received through the Internet to be suitable for the client of the intranet and additionally transmits the translated license to the client [¶0061-0063, that teaches both content and license conversion from a general form to be suitable to a client device. Please note that 'license' is known in Kawaguchi et al. as "right information" that is converted by a "conversion policy."].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2, 4-7, 9, 10-16, 18, 20-23 and 25-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi et al. (U.S. Patent Application Publication No. 2003/0103528 A1) in view of Gehrmann, "Bluetooth™ Security White Paper," April 2002.

Kawaguchi et al. teach the system and methods as outlined by the rejection given under 35 U.S.C. §102, supra, inclusive a server for receiving and converting DRM content and licenses to be usable by devices having less than full capacity to read and/or use the licenses and content in the original format. Kawaguchi et al. further teach the details of the systems and methods to a DRM conversion proxy server for distribution as follows. However, Kawaguchi et al. fail to teach the *specifics* of the encryption scheme presented within the claims of the instant application, but does teach the use of Bluetooth™ within paragraphs 312, 313, 315, 319, etcetera.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the encryption scheme of Bluetooth™ (Gehrmann) with the invention of Kawaguchi et al. because Kawaguchi et al. state, "Possible communication means here include Bluetooth[™]...[where] the security level varies depending on the communication means, [so too does] right conversion... (¶0313)." Incorporating the encryption scheme would forgo users losing content rights by variable security levels of the communication means (¶0312), but at the same time would also limit the devices the invention is capable of operating. The specific

limitations taught in the claims drawn to Kawaguchi et al. in tandem with the Bluetooth™ encryption scheme are:

Claims 2, 9, 18, 25. The multimedia content management system according to claim 1, wherein the converted multimedia contents are encrypted and transmitted to the client **[**See Kawaguchi et al., ¶0307-0308, that teaches the use of encryption and/or security functions in the communication means through the use of Bluetooth™, where Gehrmann, page 10, paragraph 2, states, "The security association is used to authenticate and encrypt all communication between two Bluetooth™ wireless devices.**]**.

Claims 10, 26. The multimedia content management system according to claim 1, wherein the server translates a license received through the Internet to be suitable for the client of the intranet and additionally transmits the translated license to the client **[**¶0061-0063, that teaches both content and license conversion from a general form to be suitable to a client device. Please note that 'license' is known in Kawaguchi et al. as "right information" that is converted by a "conversion policy."**]**.

Claims 4, 11, 20, 27. The multimedia content management system according to claim 3, wherein the translated license is encrypted and transmitted to the client **[**Rejected per claim 2 that teaches both the content and license (or "right") conversion and encryption is dependent on the type of communications path. Gehrmann, per claim 2, teaches that the use of Bluetooth™ will "...encrypt all communications... (Page 10)." By teaching encryption on all communications also teaches encrypting the content *and* license.**]**.

Claims 5, 13, 14, 15, 21, 29, 30, 31. The multimedia content management system

according to claim 2 or 4, wherein the encryption is performed using a group key of the server [Gehrmann teaches "...the necessary Bluetooth[™] passkeys and link keys. (Page 10, §3.1.1, ¶2)." Please note that the 'group key' corresponds to the passkey.].

Claim 33. The multimedia content management system according to claim 15, wherein said client key is assigned to register DRM smart clients through the platform authentication and access control unit [Gehrmann, Page 10, §3.1.1, last paragraph.].

Claims 6, 12, 28. The multimedia content management system according to claim 3, wherein the server comprises a plurality of proxy managers constructed according to DRM server groups, the proxy managers each comprising:

a platform authentication unit operable to request a license for multimedia contents from a corresponding DRM server group which provides the multimedia contents, and performing registration of the client [Kawaguchi et al., ¶0234-0235. Please note that the limitations taught in the reference for this claim are taken from a specific embodiment.];

a content conversion unit operable to decrypt multimedia contents received from the corresponding DRM server group, and converting the decrypted multimedia contents into multimedia contents having a format suitable for the client [Rejected per claim 5 *and* Kawaguchi et al., ¶0062-0063.]; and

a license translation unit operable to translate a license received from the corresponding DRM server group into a license having a format suitable for the client [Kawaguchi et al., ¶0245].

Claims 7, 16, 22, 23, 32. The multimedia content management system according to claim 6, wherein the proxy manager further comprises a report/billing unit operable to

arrange multimedia content usage details of the client, and to transmit the arranged multimedia content usage details to the DRM server group, and to transmit information relating to billing [Kawaguchi et al., ¶0146, that clearly outlines the transmission of 'usage details' (known in the reference as "use history") back to DRM servers through a "portal." Please note that this part of the reference is yet another embodiment (not contingent on the previous claims) but still anticipatory. Please also see the list given in Kawaguchi et al., ¶0252-0277.].

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-12 of copending

Application No. 10/922,863. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are drawn to providing Digital Right Management functionality to varying protocols and/or devices using a "data conversion proxy" (a true proxy in the instant application, and a pseudo-proxy, a device acting in place of a proxy server, in the copending application), and varying license or "rights" to said content or media. The most notable correlation between the instant and copending application, respectively, is: Claim 1 to claim 3 [license conversion at the intermediate device to suit to destination/"content reproduction" device]. The only significant difference between the applications is that the proxy server (intermediate device) is capable of reproducing the content the license belongs to.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 1-33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 11/090,990. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are drawn to a proxy conversion of DRM schemes received from a Wide Area Network for devices in direct communication with said proxy. Although the instant application encompasses more of a license/content conversion than the copending application, the copending application is a subset of the instant application. The correlation between both sets of

claims is most noted by claim 1 to claim 11, where the "playback rights" are decrypted and converted to be suitable to a device not otherwise suitable for reading said rights.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent L. Williams whose telephone number is 571-270-1376. The examiner can normally be reached on Mon-Fri 7:00-4:30 with Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Williams
4/18/2007

CHRISTOPHER REVAK
PRIMARY EXAMINER